

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

ROGELIO CARDOSO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. CIV-04-1212-L
	)	
WARDEN SAM CALBONE, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the court for review of the Supplemental Report and Recommendation entered by the Honorable Valerie K. Couch on February 21, 2006, in which she recommended that defendants' motions for summary judgment be granted. Judge Couch reasoned that plaintiff's due process rights were not violated because he did not have a liberty interest in his classification level and he received all the process he was due during his disciplinary proceeding. In his timely filed objections, plaintiff claims the Report did not address various issues, which he contends demonstrate defendants falsified the 120-day Adjustment Review that led to his reclassification. In addition, plaintiff argues his reclassification to Level 1 from Level 4 does affect the length of his sentence and therefore he has established a liberty interest subject to due process protection.

Pursuant to 28 U.S.C. § 636(b), the court must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." In accordance with this mandate, the court has

reviewed the Report and Recommendation, plaintiff's objections thereto and the case file. Based on this review, the court finds that the Report and Recommendation should be adopted in its entirety. Judge Couch performed a thorough and thoughtful review of plaintiff's claims and found plaintiff's due process rights were not infringed. Nothing in plaintiff's objections convinces the court that Judge Couch's analysis was in error.

The Report and Recommendation is approved and adopted in its entirety. The Motion to Dismiss Amended Complaint/Motion for Summary Judgment on Behalf of Defendants Ward and Guilfoyle (Doc. No. 48) and GPCF Defendants' Motion for Summary Judgment (Doc. No. 50) are GRANTED. Judgment will issue accordingly.

It is so ordered this 3rd day of August, 2006.

  
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TIM LEONARD  
United States District Judge